



PLANNING COMMISSION

AGENDA REPORT

VII. 3

MEETING DATE: DECEMBER 13, 2010

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-10-35
CONDITIONAL USE PERMIT TO LEGALIZE A SPECIALTY AUTOMOTIVE SHOP WITHIN
200 FEET OF RESIDENTIALLY ZONED PROPERTY
1281 LOGAN AVENUE, SUITE C

DATE: DECEMBER 2, 2010

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136
WSHIH@CI.COSTA-MESA.CA.US

PROJECT DESCRIPTION

Conditional use permit (CUP) to legalize a specialty automotive shop (Forman Performance) within 200 feet of residentially zoned property.

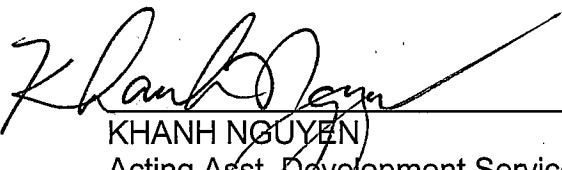
APPLICANT

The applicant is David Forman, representing the property owner Logan Limited Partnership.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.


WENDY SHIH
Associate Planner


KHANH NGUYEN
Acting Asst. Development Services Director

BACKGROUND

Project Site

The property is located mid-block between College Avenue and McClintock Way, on the south side of Logan Avenue. It is zoned MG (General Industrial District) and has a General Plan designation of Light Industry. It is bounded by a PDR-HD (Planned Development Residential – High Density) zoned property to the south and MG zoned properties to the east, west, and across Logan Avenue to the north.

The property contains an approximately 28,000 square-foot, multi-tenant industrial building constructed in 1969 and an approximately 4,000 square-foot machine shop at the southwest corner of the lot constructed in 1977. The site contains a mix of uses including a printing business, warehouse/distribution, automotive storage, and automotive repair service (approved for Unit A under Conditional Use Permit ZE-82-22).

Project Description

Forman Performance is a specialty Subaru automotive shop that established in a 2,400 square-foot space (Unit C) approximately one year ago. The business owner/project applicant was notified that a conditional use permit (CUP) is required for motor vehicle repair service within 200 feet of residential zone. The business description is as follows:

- 400 square-foot office/waiting area and 2,000 square-foot shop area containing two hydraulic vehicle lifts, a hydraulic press, parts storage racks, a work table, and Cal/EPA (California Environmental Protection Agency) approved waste drums.
- Primary business is to build and prepare Subaru vehicles for track and off-road use.
- Additional services include CARB (California Air Resources Board) legal engine swaps and other specialty maintenance services for all Subaru models.
- No more than three vehicles to the site on any one day because projects generally take several days or weeks to complete.
- No specified hours of operation. However, all work in the evenings occurs behind closed doors and are proposed to not generate noise audible from outside.

The City has not received any complaints of this business since it opened last year.

ANALYSIS

Justification for Approval of the CUP

Staff supports approval of the CUP for the following reasons:

- Approval of the CUP is consistent with other similar and previously-approved requests for auto repair facilities in the immediate vicinity. All the properties on Logan Avenue are zoned industrial and abut residential properties. The properties on this street contain various industrial uses including automotive repair shops. In 1982, Planning Commission approved a CUP for a 10,000 square-foot automotive repair facility on this property in Unit A. The unit was occupied by a screen printing business from 1998 to 2005 and was re-established by an auto facility (OC Automotive) in 2006.

According to Code Enforcement records, there have been no problems, including noise complaints, reported with the existing Subaru auto repair business or the OC Automotive business on the property.

- The specialty automotive shop will not negatively impact surrounding properties and uses. The unit is located more than 300 feet away from the apartment buildings to the south, separated by parking lots, a flood control channel, and two rows of carports in between. Staff recommends approval of the CUP primarily based on the specialized nature of the business. According the Transportation Division, the specialty auto repair is not considered a significant intensification of traffic trips compared to the existing uses on the property or in the immediate vicinity. The business is limited to a maximum of two hydraulic lifts for servicing Subaru vehicles only.

If the CUP is approved, the applicant would be required to comply with the conditions of approval (numbers 1 through 4) and all applicable Code requirements. The Code requires all operations to be conducted inside the building and all activities be confined to 7 a.m. to 7 p.m. when located within 200 feet of residentially zoned property. It also prohibits damaged or inoperable vehicles to be stored for purposes other than repair (CMMC Sec. 13-54(b)).

- Noise-related problems are not anticipated due to unique operating characteristics. Based on the project description, staff does not anticipate any noise-related issues.

Condition of approval no. 1 restricts the use to the type of operation described in this report and in the applicant's written description. Any change in the operational characteristics including, but not limited to, type of services provided or an increase in floor area, would be subject to Planning Division review and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change.

Condition no. 2 requires the overhead door to be closed no later than 7 p.m. daily and all activities that generate noise audible from off-site be limited to 7 a.m. to 7 p.m. daily. Additionally, the operation of equipment and/or noise-generating work activity outside the building shall be expressly prohibited. The applicant is also reminded that the City's noise standards apply at all times.

- Adequate on-site parking is provided to accommodate the use. The existing on-site parking provides sufficient parking for industrial uses, including the auto repair business. Given that the business has been operating for about a year, staff has not observed any parking problems at the property during normal business hours. No additional building area is proposed for the auto repair service that would trigger additional parking requirements. Since the business is a specialty shop that only service Subaru vehicles, staff does not anticipate an increase in parking demand on the property.
- Upgraded landscaping in the front setback in conformance with the City's Landscape Ordinance to the fullest extent possible is required. While there are trees located in the public parkway, the main landscape area along Logan Avenue does not contain any trees or shrubs. **Condition no. 3** requires that three mature 24-inch box trees be

planted in this area as well as 50 shrubs. The new landscaping will improve the appearance of the property from the street. Staff believes the general appearance of the buildings and parking areas on the property are in good condition; therefore, no additional conditions are proposed.

GENERAL PLAN CONFORMITY

The existing development is legal, nonconforming with respect to floor area ratio limitations (maximum 0.25 allowed for moderate/mixed traffic uses; 0.45 existing). In accordance with the General Plan, approval of a CUP for the specialty automotive shop would allow a use and intensity that is consistent with the Light Industry land use designation. Approval of the use would not result in adverse traffic impacts with the payment of applicable traffic impact fees.

ALTERNATIVES

The Planning Commission may consider the following alternatives:

1. Approve the application. This would allow the establishment of the specialty automotive shop in Unit C, as described in the staff report, subject to conditions and Code requirements.
2. Deny the application. If Commission denies the application, automotive service would be prohibited in Unit C. A similar request may not be submitted for six months.

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities. If the project is denied, it is exempt from the provisions of CEQA Section 15270(a) for Projects Which Are Disapproved.

CONCLUSION

Staff supports approval of the CUP for the specialty automotive shop, given that the business will be subject to conditions of approval to minimize impacts to surrounding uses. Based on the project description, the proposed use will not intensify the existing uses on the property or negatively impact surrounding properties. Additionally, adequate on-site parking is provided to accommodate the use.

- Attachments:
1. Draft Planning Commission Resolutions
 2. Applicant's Project Description and Justification
 3. Location Map
 4. Plans

Distribution: Development Services Director
 Deputy City Attorney
 City Engineer
 Transportation Svs. Mgr.
 Fire Protection Analyst
 Staff (4)
 File (2)

David Forman
1281 Logan Ave., Ste. C
Costa Mesa, CA 92626

Logan Limited Partnership
4931 Birch St.
Newport Beach, CA 92660

File: 121310PA1035

Date: 120210

Time: 11:30 a.m.

RESOLUTION NO. PC-10-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-10-35**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by David Forman, authorized agent for property owner Logan Limited Partnership, with respect to the real property located at 1281 Logan Avenue, Suite C, requesting approval of a conditional use permit to legalize a specialty automotive shop within 200 feet of residentially zoned property, in the MG zone;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on December 13, 2010, with all persons provided an opportunity to speak for and against the proposed project.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-10-35 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-10-35 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable federal, State, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 13th day of December 2010.

Vice-Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Kimberly Brandt, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on December 13, 2010, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Kimberly Brandt, Secretary
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (for approval)

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use is compatible and harmonious with uses on surrounding properties.
 2. The existing development is legal, nonconforming with respect to floor area ratio limitations (maximum 0.25 allowed for moderate/mixed traffic uses; 0.45 existing). In accordance with the General Plan, approval of a CUP for the specialty automotive shop would allow a use and intensity that is consistent with the Light Industry land use designation. Approval of the use would not result in adverse traffic impacts with the payment of applicable traffic impact fees.
 3. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed use, as conditioned, is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the business will be subject to conditions of approval to minimize impacts to surrounding uses. Based on the project description, the proposed use will not substantially intensify the existing uses on the property or negatively impact surrounding properties because it is consistent with other similar and previously-approved requests for auto repair facilities in the immediate vicinity. All activities will occur inside the building with activities that generate noise audible from off-site limited to 7 a.m. to 7 p.m. daily. Additionally, no additional building area is proposed for the auto repair service that would trigger additional parking requirements. Therefore, adequate on-site parking is provided to accommodate the use. Granting the conditional use permit will not allow a use, density or intensity, which is not in accordance with the General Plan designation for the property.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- D. The project, as conditioned, is consistent with Article 3 Transportation System Management, of Chapter XII, Title 13, of the Costa Mesa Municipal Code in that the project's traffic impacts will be mitigated at all affected intersections.

EXHIBIT "B"

CONDITIONS OF APPROVAL (IF PROJECT IS APPROVED)

- Plng.
1. The use shall be limited to the type of operation described in the staff report and applicant's description (i.e. specialty Subaru automotive shop within a 2,400 square-foot unit (Unit C), subject to conditions. Any change in the operational characteristics including, but not limited to, type of services provided or an increase in floor area, shall be subject to Planning Division review and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
 2. The overhead door shall be closed no later than 7 p.m. daily and all activities that generate noise audible from off-site shall be limited to 7 a.m. to 7 p.m. daily. Additionally, the operation of equipment and/or noise-generating work activity outside the building shall be expressly prohibited. The applicant is reminded that the City's noise standards apply at all times.
 3. Install a minimum of three mature 24-inch box trees and 50 shrubs within the street landscape setback area. This condition shall be completed under the direction of the Planning Division **within 30 days of final approval of this application.**
 4. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding properties. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
 5. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.

RESOLUTION NO. PC-10-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING PLANNING APPLICATION
PA-10-35**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by David Forman, authorized agent for property owner Logan Limited Partnership, with respect to the real property located at 1281 Logan Avenue, Suite C, requesting approval of a conditional use permit to legalize a specialty automotive shop within 200 feet of residentially zoned property, in the MG zone;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on December 13, 2010, with all persons provided an opportunity to speak for and against the proposed project.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Planning Application PA-10-35 with respect to the property described above.

PASSED AND ADOPTED this 13th day of December 2010.

Vice-Chair
Costa Mesa Planning Commission

EXHIBIT "A"**FINDINGS (for denial)**

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29 (e) because:
 - a. The proposed use is not compatible and harmonious with uses both on site and those on surrounding properties.
 - b. The project is not consistent with the General Plan.
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) because the proposed use is not compatible with developments in the same general area. Granting the conditional use permit will be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Granting the conditional use permit will allow a use, density, or intensity which is not in accordance with the General Plan designation for the property.
- C. The Costa Mesa Planning Commission has denied PA-10-35. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.

ATTACHMENT 2

Rebecca,

I am applying for an Automotive Repair business license as it would be the best suited category for my business. After contacting the Bureau of Automotive Repair they confirmed that acquiring this license would be needed to obtain their certification, which is required by law for the type of business that I am engaged in.

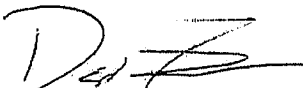
Forman Performance is a specialty automotive shop that only works on Subaru's. Primarily, our clients hire us to build and prepare their vehicles for track and off-road use. However, we also do C.A.R.B. legal swaps, to restore older Subaru's to newer, less polluting vehicles. Additionally, we offer specialty maintenance services for all Subaru models. We are open to the public and the traffic we generate on any given day can vary but does not exceed 3 vehicles. We generally have the same projects in our shop for long periods of time because most of the services we offer take many days, and often weeks, to complete.

By only offering specialty services to a brand-specific, niche market we've defined Forman Performance as a completely unique business from Orange Coast Automotive, a general automotive repair facility that occupies a unit in our same building. We feel that our location is well-suited for the specialty services we provide. If we were forced to move facilities to somewhere already zoned for General Automotive Repair we would have to completely restructure or dissolve our business.

All the tools we use are standard hand tools with the exception of Subaru-specific tools, two operational lifts and an air compressor which is used for standard air tools.

Thank you for your time and we look forward to your response.

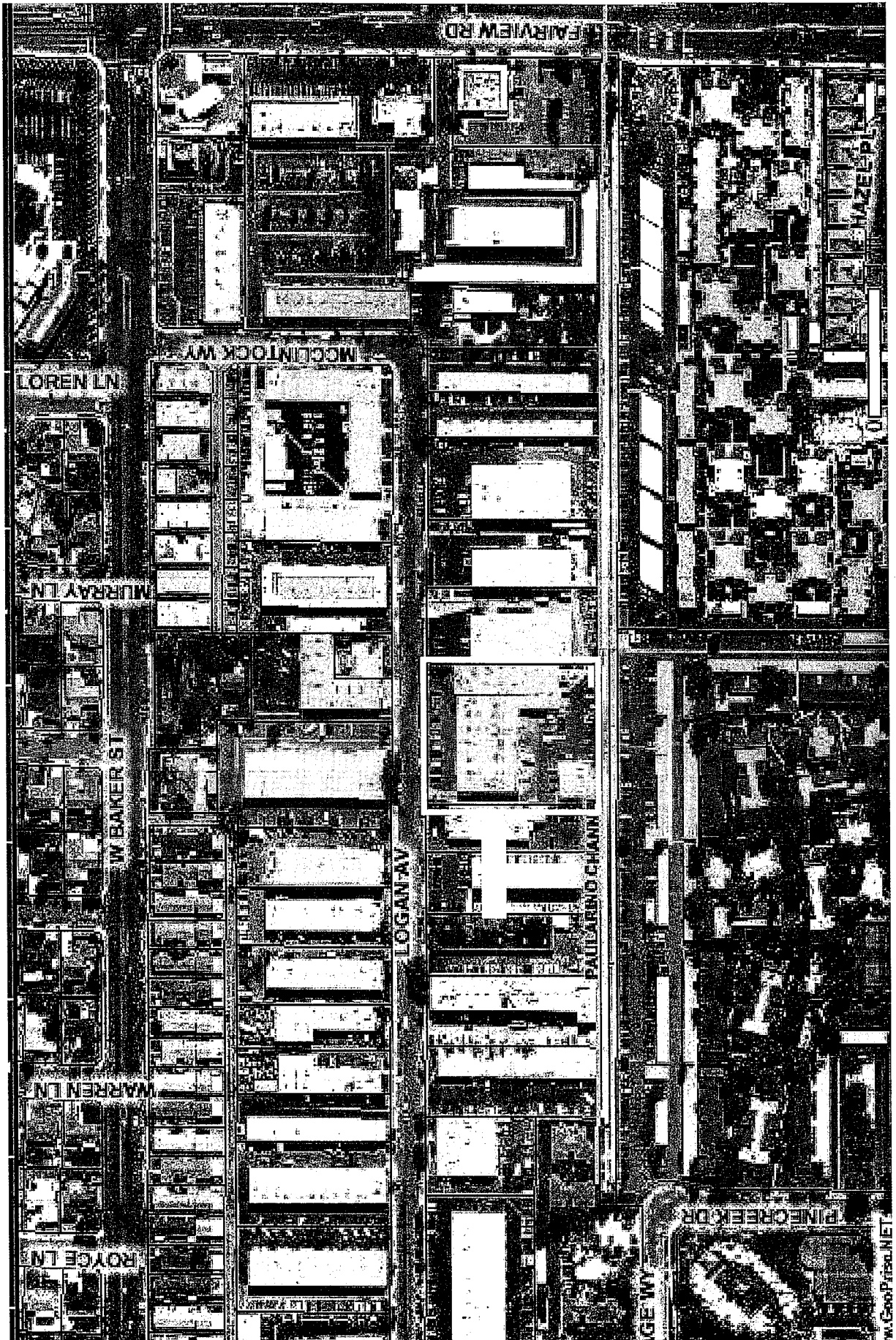
Sincerely,



David Forman

Forman Performance
1281 Logan Ave. Unit C
Costa Mesa, CA 92626

LOCATION MAP



LOGAN STREET

[BASIS OF BEARINGS]

McCLINTOCK WAY &



SCALE: 1" = 20'

SPECIFIC NOTES

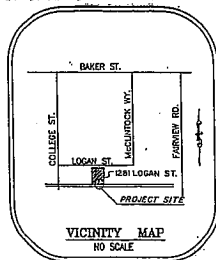
1. All contractors shall design to be submitted for County approval prior to use in project. All concrete shall be 4000-4250 minimum.
 2. All concrete columns remaining from sawcutting MUST be removed entirely and disposed in accordance with State requirements.
 3. Permittee shall ensure that workers discharged from proposed non-driveway entry shall not exceed State Vehicle Weight Standards.
 4. RCP pipes 24 inches and smaller shall be jacked horizontal on the outside only and RCP pipes larger than 24 inches shall be jacked inside and outside within OCFCD right-of-way.
 5. Permittee shall construct backfill to a minimum of 90% relative compaction within OCFCD right-of-way. All fields and borrowings subject to be per Caltrans California Test Methods (CTMH) 216 and 231. Use of ASTM test methods and equipment will not be accepted.
- The permittee will be conditioned to replace the Flat-grid vehicle weight rating unless:
- a) permit shall be submitted and Plan 11519 is OCFCD Right-of-Way.

CONSTRUCTION NOTES

- ① CON. 1" R.C.P. STORM DRAIN 2000, 10'-12" x 8" SLE PFD STD. PLAN 119. R/C P. C. MED. DRAIN 2000, 12" PFD STD. PLAN 124 FOR STORM DRAIN ENTRY DUCT. PFD STD. PLAN 125 SHALL BE MODIFIED FOR ENTRY INTO EXISTING CONCRETE MAIN CHANNEL.
- ② CON. 8" S.D.P. 15" STORM DRAIN 2000, 10'-12" x 8" SLE PFD STD. PLAN 119. R/C P. C. MED. DRAIN 2000, 12" PFD STD. PLAN 124 FOR STORM DRAIN ENTRY DUCT. PFD STD. PLAN 125 SHALL BE MODIFIED FOR ENTRY INTO EXISTING CONCRETE MAIN CHANNEL.
- ③ CONSTRUCT BROOKS PRODUCTS CONCRETE BASIN NO. 1817 WITH A STEEL TRUSS GRATE OR APPROVED ALTERN. INSTALL FLOW-GARD INSET TOP UP AS MANUFACTURED BY 301 STAR ENTERPRISES OR APPROVED EQUIV.
- ④ REMOVE PORTIONS OF EXIST. CONCRETE SLE INTERFERING WITH CONSTRUCTION AND REPLACES IN KIND.
- ⑤ SAWCUT AND REMOVE PORTIONS OF EXIST. A.C.P. PAVEMENT INTERFERING WITH CONSTRUCTION AND REPLACES WITH 6" THICK A.C.
- ⑥ REMOVE PORTIONS OF EXIST. CHAIN LINK FENCE INTERFERING WITH CONSTRUCTION AND REPLACES IN KIND.
- ⑦ PROTECT IN PLACE.

• EXISTING TREE

PARKING
EXISTING: 57 SPACES



BASIS OF BEARINGS

THE BASIS OF BEARINGS USED ON THIS SURVEY IS THE CENTERLINE OF LOGAN AVENUE BEARING NORTH 88°51'15" EAST AS SHOWN ON RECORD OF SURVEY 47/34, RECORDS OF SAID COUNTY.

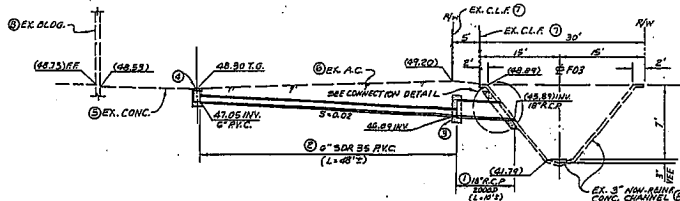
BENCHMARK INFORMATION

BENCHMARK NO.: SA-289-77

DESCRIPTION:

DESCRIBED BY OCS 2001 - FOUND 3 3/4" OCS ALUMINUM BENCHMARK DISK
STAMPED "SA-289-77". SET IN A 4" BY 4" CONCRETE POST. MONUMENT IS
LOCATED AT THE INTERSECTION OF BAKER STREET AND LOREN STREET, . .
10.3 FT. NORTHERLY FROM THE SOUTH END OF THE CENTER MEDIAN ALONG
LOREN STREET. MONUMENT IS SET LEVEL WITH SIDEWALK.

ELEVATION: 43.258 FEET (NAVD83) 731



INLET PROFILE AT STA. 87 + 82

SCALES: HORIZ.: 1" = 10'

VERT: 1" = 5'

NOTE
THE MINIMUM OPENING INTO THE EXIST.
CONCRETE CHANNEL WALL SHALL BE THE
OUTSIDE DIAMETER OF THE PIPE PLUS
1" INCH.

CONNECTION DETAIL

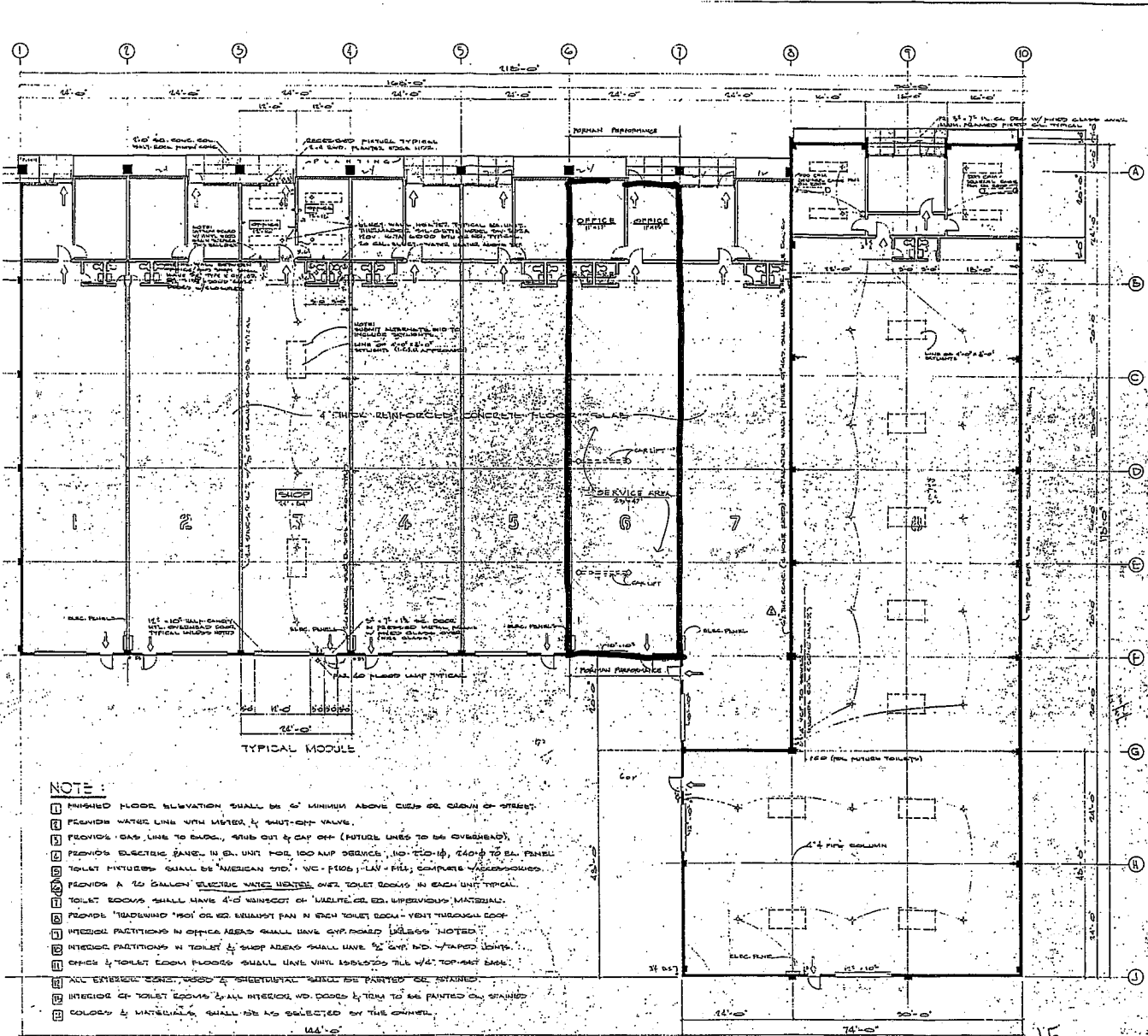
NOT TO SCALE

CENTRAL VOICES

- [illegible]

SHEET TITLE		DATE		APPLICANT:		NO. RESERVATION		REVISIONS		DATE APD	
SHEET NO.		SCALE		FORMAN PERFORMANCE							
		1" = 20'		CONTACT: DAVID FORMAN							
		FORMAT		PHONE: 714-434-6800							
		CHECKED									
PAULARINO CHANNEL F03											
18" R.C.P. INLET											
PRODUCT											
1281 LOGAN STREET											
COSTA MESA, CA											

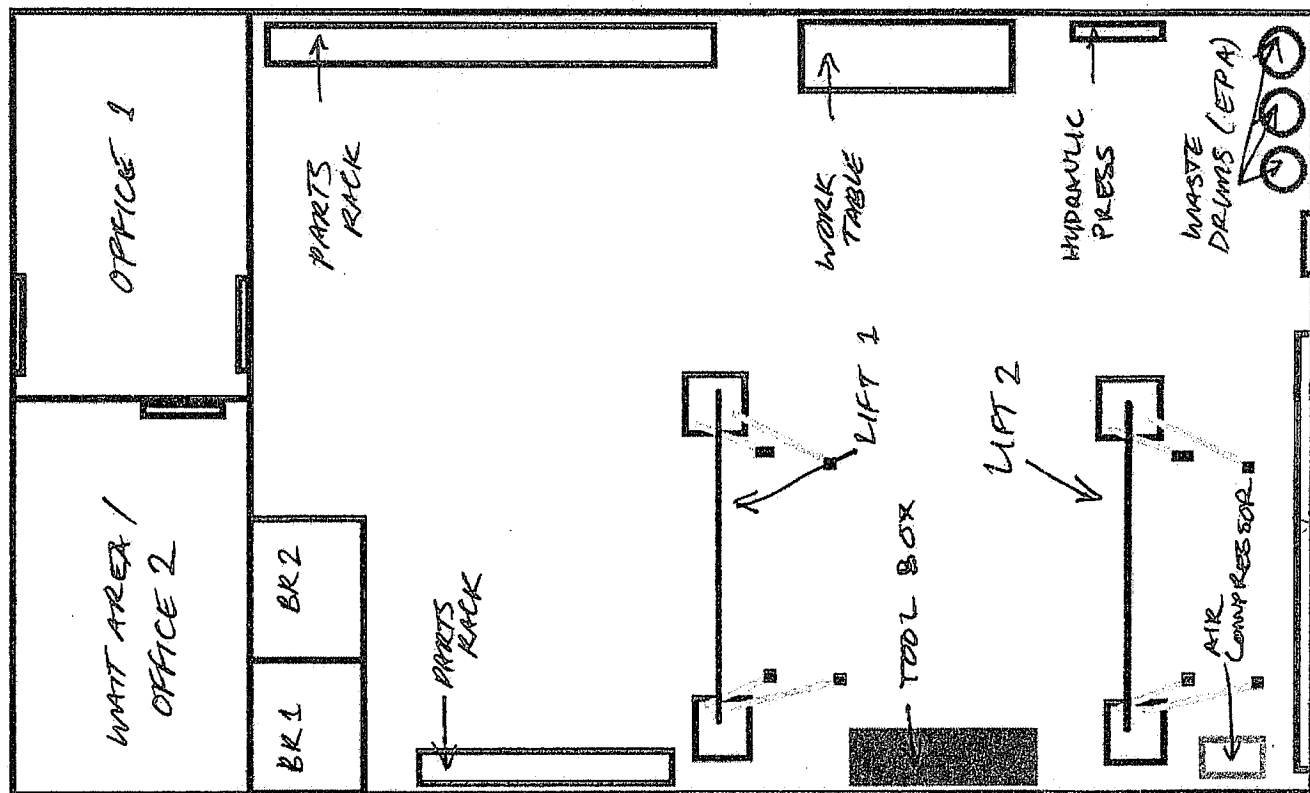
PA-10-35-F12



FLOOR PLAN

4	211.09	10-24-67
FLOOR PLAN & SCHEDULES		
APPLICANT: FORMAN PERFORMANCE CONTACT: DAVID FORMAN PHONE: 714-34-8800		
BUILDING: 15,000 SQ. FT. INDUSTRIAL OWNER: MR. RUSSELL DAHLQUIST ADDRESS: 15000 RUSSELL DAHLQUIST		
SCALE: 1/4" = 1'-0" DATE: 10-24-67		

15



- UNIT IS 2,400 SQ FT.
- OFFICE AREA IS ~400 SQ FT
- SHOP/WORK AREA IS ~2,000 SQ FT
- CONTAINS 2 HYDRAULIC VEHICLE LIFTS
- AIR COMPRESSOR, & HYDRAULIC PRESS
- 2 HYDRAULIC LIFTS ARE THE ONLY SPECIALTY EQUIPMENT IN THE SHOP.
- EPA ID# FOR HAZWASTE IS:
CAL 000 353782
- ONE ROLL-UP GATE FOR ACCESS TO BAY.